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20306 7590 03/19/2009 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/693,051

Applicant(s)

LA GESSE ET AL.

Examiner

JUNCHUN WU

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the RCE filed on Jan. 5, 2009.
2. Claims 1-32 are pending in this application.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 25 is rejected under 35 U.S.C. 101 because claim limitations are directed towards software per se. A claim fails to recite any hardware features to enable the software to act as a computer component and realize any functionality. The claimed invention is directed to non-statutory subject matter.

Claims 26-32 are dependent upon claim 25, further failed to cure the deficiency of these claims, and are rejected the same reason as claim 25.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function.

Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

If applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure, material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, applicant is required to clarify the record by either:

(a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or

(b) Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

Claims 26-32 are dependent upon claim 25, further failed to cure the deficiency of these claims, and are rejected the same reason as claim 25.

Art Unit: 2191

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 25 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Because claim 25 is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. The written description fails to disclose the corresponding structure, material, or acts for the claimed function.

Claims 26-32 are dependent upon claim 25, further failed to cure the deficiency of these claims, and are rejected the same reason as claim 25.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-5, 7-10, 12-21, 23-24 are reject under 35 U.S.C. 102(e) as being anticipated by Bunker (U.S. Patent No. 6,944,859 B1).

Art Unit: 2191

Per claim 1 (Currently amended)

Bunger discloses

- A method comprising: sending a device driver file and a first portion of network-specific data from a station to a host computing device (see col.9 lines 28-34 “*After opening the synchronization session, the client-handheld conduit file is transmitted to the handheld computer. The client-handheld conduit file is received and installed on the handheld computer.*” & col.9 line 66 ~ col.10 line 4 “*Referring to FIG. 5E, the installation is initiated by client computer transmitting a query to the handheld computer to determine the handheld computer's environment information at step 607. The handheld computer's environment information is stored as the handheld configuration configuration data 424 (FIG. 4) on the handheld computer.*”)
- storing a second portion of network-specific data at the station that is not accessible by the host computing device (col.6 lines 5-7 “*The memory 310 further preferably includes: communications procedures 314, synchronization procedures 316, authentication procedures 318, a network client 320*” & lines 18-20 “*Authentication procedures 318 are used to authenticate a user's access to the handheld file 224 (FIG. 2) on the installation server 102 (FIG. 1).*”)
- receiving a data block into from the host computing device, wherein the host computing device uses said the device driver to transfer the data block to the station, (col.9 lines 13-20 “*This client-handheld conduit file is an executable file that provides for communication between the client computer and the handheld computer. The installation server receives the request, at step 580, and transmits the client-handheld conduit file to*

client computer at step 582. The client computer receives the client-handheld conduit file and saves it into its cache as client-handheld conduit file 326 (FIG. 3), at step 584. ”)

- wherein the first portion of network-specific data enables the host computer to access the network (col.8 lines 26-30 *“In a preferred embodiment, the events and user interface are a Web-page displaying that the client and/or handheld computer has a particular configuration and can download and install the appropriate file.”)*
- wherein the station controls access to the network by the host computer using the second portion of network-specific data (col.8 lines 42-50 *“To authenticate the user, the network client 320 (FIG. 3) builds an authentication request, which may contain entries for a username and a password, and requests user authentication, at step 554. The user authentication request is received by the installation server at step 552. The installation server authenticates or validates the user, at step 556, by the authentication procedures 216 (FIG. 2) checking the supplied username and password against the user database 226 (FIG. 2).”)*

Per claims 2 and 18

Bunger further discloses

- displaying said first portion of network- specific data at the host computing device (col.8 lines 26-30 *“In a preferred embodiment, the events and user interface are a Web-page displaying that the client and/or handheld computer has a particular configuration and can download and install the appropriate file.”)*

Art Unit: 2191

Per claim 3 and 19

Bunger further discloses

- storing an AutoRun file and a Setup file on said station (col.6 lines 64-67 & Fig.4 Memory 410 included component 420; installation procedure is automatically install that implicitly included the autorun file, setup executable to install file).

Per claims 4 and 20

Bunger further discloses

- The device driver file is stored at the station in one of a flash memory, a read-only memory, a programmable read-only memory, and a magnetic disk memory (Fig.3 Memory 310 included component 326).

Per claims 5, 10, and 21

Bunger further discloses

- The network-specific data define a security configuration and a network configuration (col.6 lines 12-14 & 19-21 & 41-44).

Per claims 7, 12, and 23

Bunger further discloses

- The network identifier is an IEEE 802.11 basic service set identifier (col.4 lines 61-65).

Per claim 9

Bunger discloses

an apparatus comprising:

- A memory for storing at least a device driver file and a first portion of network-specific data, and a second portion of network-specific data (see col.6 lines 5-10 & Fig.3 the memory block 310 which includes client-handheld conduit file).
- a host interface for transferring the device driver file and the first portion of network-specific data (see col.9 lines 28-34 *"After opening the synchronization session, the client-handheld conduit file is transmitted to the handheld computer. The client-handheld conduit file is received and installed on the handheld computer"*).
- a transmitter for transmitting a data block into a network (col.4 lines 56-58 & Fig.1), wherein the data block is received from the host computing device using a device driver represented by the driver file (col.9 lines 13-15 & col.10 lines 12-17);
- wherein the first portion of network-specific data is configured to enable the host computing device to access the network (col.8 lines 26-30 *"In a preferred embodiment, the events and user interface are a Web-page displaying that the client and/or handheld computer has a particular configuration and can download and install the appropriate file."*) and wherein the second portion of network-specific data is unreadable by the host computing device and is configured to control access to the network by the host computing device (col.8 lines 42-50 *"To authenticate the user, the network client 320 (FIG. 3) builds an authentication request, which may contain entries for a username and a password, and requests user authentication, at step 554. The user authentication request is received by the installation server at step 552. The installation server*

Art Unit: 2191

authenticates or validates the user, at step 556, by the authentication procedures 216 (FIG. 2) checking the supplied username and password against the user database 226 (FIG. 2). ”)

Per claim 14

Bunger discloses

the apparatus of claim 9 further comprising a host computing device for:

- installing the device driver (col.9 lines 6-15).
- generating the data block (col.10 lines 12-17).
- displaying the first portion of network-specific data (col.8 lines 26-30 *“In a preferred embodiment, the events and user interface are a Web-page displaying that the client and/or handheld computer has a particular configuration and can download and install the appropriate file.”)*

Per claim 15

Bunger discloses

- the apparatus of claim 9 wherein the memory is also for storing an AutoRun file and a Setup file (col.6 lines 38-40 & Fig.3 Memory 310 included component 328; installation procedure is automatically install that implicitly included the autorun file, setup executable file).

Per claim 16

Bunger discloses

- the apparatus of claim 9 wherein the memory comprises one of a flash memory, a read-only memory, a programmable read-only memory, and a magnetic disk memory (col.5 lines 20-21).

Per claim 17

Bunger discloses

- an apparatus comprising: a transceiver for: sending a device driver file and a first portion of network-specific data (see col.9 lines 28-34 *"After opening the synchronization session, the client-handheld conduit file is transmitted to the handheld computer. The client-handheld conduit file is received and installed on the handheld computer."* & col.9 line 66 ~ col.10 line 4 *"Referring to FIG. 5E, the installation is initiated by client computer transmitting a query to the handheld computer to determine the handheld computer's environment information at step 607. The handheld computer's environment information is stored as the handheld configuration configuration data 424 (FIG. 4) on the handheld computer."*).
- storing a second portion of network-specific data (col.6 lines 5-7 *"The memory 310 further preferably includes: communications procedures 314, synchronization procedures 316, authentication procedures 318, a network client 320"* & lines 18-20 *"Authentication procedures 318 are used to authenticate a user's access to the handheld file 224 (FIG. 2) on the installation server 102 (FIG. 1)."*)

- transmitting a data block into a network based on the second portion of network-specific data (col.8 lines 53-60 & Fig.5C *“The identification of the user type provides details such as the type of user and handheld files to which the user has access to, or may be interested in, for example, the user's profession or area of speciality. The user type is sent back to the client computer, at step 556, and is received at the client computer at step 558. Based on the user type and whether the user has been authenticated, the client computer then determines, at step 560, if the user is a valid user, i.e., has been authenticated.”*)

a host computing device for:

- receiving the device driver file and the first portion of network-specific data (see col.9 lines 28-34 *“After opening the synchronization session, the client-handheld conduit file is transmitted to the handheld computer. The client-handheld conduit file is received and installed on the handheld computer.”* & col.9 line 66 ~ col.10 line 4 *“Referring to FIG. 5E, the installation is initiated by client computer transmitting a query to the handheld computer to determine the handheld computer's environment information at step 607. The handheld computer'environment information is stored as the handheld configuration configuration data 424 (FIG. 4) on the handheld computer.”*)
- installing a device driver that is represented by the device driver file (col.9 lines 6-15).
- generating the data block and using the device driver to transfer said data block to the transceiver (col.10 lines 12-17); wherein said first portion of network-specific data is configured to control access by the host computing device to the network (col.8 lines 26-30 *“In a preferred embodiment, the events and user interface are a Web-page displaying*

that the client and/or handheld computer has a particular configuration and can download and install the appropriate file.”)

- And wherein the host computing device is unable to read the second portion of network-specific data (col.8 lines 42-50 *“To authenticate the user, the network client 320 (FIG. 3) builds an authentication request, which may contain entries for a username and a password, and requests user authentication, at step 554. The user authentication request is received by the installation server at step 552. The installation server authenticates or validates the user, at step 556, by the authentication procedures 216 (FIG. 2) checking the supplied username and password against the user database 226 (FIG. 2).”*)

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6, 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Bunger, and in view of Chefalas et al. (US Pub No. 20040015961 B1 hereinafter “Chefalas”).

Per claims 6, 11, and 22

Bunger discloses

- the method of claim 5 wherein said security configuration comprises authentication-related parameters (col.5 lines 36-38), and wherein said network configuration comprises

Art Unit: 2191

a network identifier (col.5 lines 16-19; same communication circuitry using on client computer and handheld computer).

But Bunger does not disclose

- security configuration comprises encryption related parameter.

However, Chefalas discloses

- security configuration comprises encryption related parameter ([0034] e.g. *"Added security protection is provided through encryption of the data transmitted between the user's client computer and the server"*).
- Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bunger's teachings by adding security configuration comprises encryption related parameter by Chefalas in order to ensure secrecy and protect communication and in addition encryption can be accomplished through the use of Secure Sockets Layer technology (Chefalas; [0034] lines 11-12).

12. Claims 8, 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Bunger, and in view of Henry et al. (US Patent No. 7,174,456 B1 hereinafter "Henry").

Per claim 8, 13, and 24

Bunger does not disclose

- data that sets a length of time that host computer can access the network.

Henry discloses

- data that sets a length of time that host computer can access the network (col.2 lines 23-43 “*The authentication credential includes a security certificate having a public key for the network access device and an expiration time...*”)
- Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bunger’s teachings by adding data that sets a length of time that host computer can access the network by Henry in order to provide a novel authentication/access control method that improves the handoff process for a mobile host that roams between networks (col.2 lines 1-5).

13. Per claims 25-32

They are system claims corresponding to the method claims 1-8 respectively and are rejected the same reason set forth in connection of the rejection of claims 1-8 above.

Response to Arguments

Applicant's arguments filed on Jan. 5 2009 have been fully considered but they are not persuasive.

In the remarks, Applicant argues that:

- (a) In regard to claims 1, 9 and 17, Bunger fails to teach or suggest the currently amended claim “a second portion of network-specific data at the station that is not accessible by the host computing device.”

Examiner's response:

- (a) Examiner disagrees.

After examiner review the claims, they does not define what is first and second portion of network-specific data. Examiner interpreted those terms in light of specification which describes in abstraction "...a first portion of network-specific data (e.g. network configuration, security configuration information etc.)" whereas in paragraph [0008] "...the second portion can comprise restricted information such as encryption keys, authentication keys, etc"

Thus, Bunger discloses a second portion of network-specific data at the station that is not accessible by the host computing device (lines 18-20 "*Authentication procedures 318 are used to authenticate a user's access to the handheld file 224 (FIG. 2) on the installation server 102 (FIG. 1).*" Bunger further discloses on col.8 lines 42-61 ("*To authenticate the user, the network client 320 (FIG. 3) builds an authentication request, which may contain entries for a username and a password, and requests user authentication, at step 554. The user authentication request is received by the installation server at step 552. The installation server authenticates or validates the user, at step 556...*"). Thus, authentication procedures are used between client computer (106) and installation server (102) and handheld computer device is not accessible.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junchun Wu whose telephone number is 571-270-1250. The examiner can normally be reached on 8:00-17:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JW
/Wei Y Zhen/
Supervisory Patent Examiner, Art Unit 2191